

**PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING/PUBLIC HEARING
DECEMBER 11, 2012**

Place: Room 206, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:

Conze, Spain, Cameron, Voigt, Cunningham, Stevenson (left at 8:05), DiDonna

STAFF ATTENDING: Ginsberg, Keating

RECORDER: Syat

Channel 79

Chairman Conze opened the meeting at 8 P.M. and read the first agenda item:

Possible appointment of member to replace M. Reese Hutchison.

Jeremy Ginsberg said that when Mr. Reese Hutchison resigned effective November 30, 2012, the provisions of the Town Charter were reviewed and it was determined that the Planning & Zoning Commission would need to select a replacement until the next election. Mr. Ginsberg said that he published a Press Release and contacted the Republican Town Committee to see if anyone was interesting in filling the position. Information and resumes that were received in the Planning & Zoning office were distributed to the Planning & Zoning Commission members for their review.

Mr. Conze said that the Republican Town Committee had made several recommendations. Commission members discussed the possible replacements. The following motion was made: That the Planning & Zoning Commission select Richard DiDonna of 31 Searles Road to fill the term of Mr. Hutchison until the November 2013 elections. The motion was made by Mr. Spain and seconded by Mr. Vogt. There were other nominations for replacement. The motion to have Mr. DiDonna serve as the replacement unanimously passed.

Mr. DiDonna was present and was sworn in by Donna Rajczewski, Town Clerk. Mr. DiDonna joined the Commission at the dais.

First Selectman Jayme Stevenson, ex-officio member of the Planning & Zoning Commission, departed at approximately 8:05 P.M.

Chairman Conze said that the Commission would continue to the General Meeting and act on several pending application matters. The following motion was made: That the Planning & Zoning Commission waive the process of reading each draft resolution aloud because each Commission member has had an opportunity to review the drafts prior to the meeting. The motion was made by Mrs. Cameron, seconded by Mr. Cunningham and unanimously approved.

Chairman Conze read the following agenda item:

Discussion, deliberation, and possible decision on any closed public hearing items.

Business Site Plan #86-D/Special Permit, Bob Bantle, 365 Boston Post Road. Proposing to remodel/renovate the existing 365 Boston Post Road building formerly occupied by United Rentals,

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and to establish a new personal service use with related retail sales and office use, and perform related site development activity. *PUBLIC HEARING CLOSED 11/27/2012.*

Commission members discussed the draft resolution to approve the use. They noted that the specific use and company are being approved as described in the application materials and at the Public Hearing. Any change of use and/or change of company will need prior review and action by the Planning & Zoning Commission and cannot be implemented without Commission approval.

The following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the application, including the specific use and company to occupy this facility, in accordance with the following resolution. The motion was made by Mr. Cunningham, seconded by Mr. Spain. All voted in favor, except Mr. DiDonna who abstained because he had not attended the Public Hearing on this matter.

The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
December 11, 2012**

Application Number: Business Site Plan #86-D/Special Permit

Street Address: 365 Boston Post Road
Assessor's Map #14 Lot #50

Name and Address of Applicant: Bob Bantle
1 Center Street
Darien, CT 06820

Name and Address of
Applicant's Representative: Jeff McDougal
William W. Seymour & Associates
170 Noroton Avenue
Darien, CT 06820

Name and Address of
Property Owner: Richard Cenami
365 Boston Post Road
(at time of application): Darien, CT 06820

Activity Being Applied For: Proposing to remodel/renovate the existing 365 Boston Post Road building formerly occupied by United Rentals, and to establish a new personal service use with related retail sales and office use, and perform related site development activity.

Property Location: The subject property is located on the north side of Boston Post Road, approximately 250 feet west of its intersection with Birch Road.

Zone: DB-2

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Date of Public Hearing: October 23, 2012 continued to November 13, 2012 and November 20, 2012

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: October 12 & 19, 2012

November 9 & 16, 2012

Newspaper: Darien News

Date of Action: December 11, 2012

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
December 21, 2012

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 650, 900, 950, 1000 and 1020 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted redevelopment plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The applicant proposes to remodel/renovate the existing 365 Boston Post Road building formerly occupied by United Rentals, and to establish a new personal service use with related retail sales use, as well as office use(s), and perform related site development activity. This building was formerly occupied by United Rentals. The application includes interior alterations, changes to the façade of the building and changes to the site plan. The subject property is served by public water and sewer and is located within the DB-2 Zone. As shown on the submitted Compilation Survey Proximity Map (last revised November 21, 2012), the subject property has a residential property directly to the rear.
2. This proposal involves changing the use of the site to one that appears to be less intensive than the previous rental center use with its associated outdoor storage and activity. Based upon the submitted application materials and the testimony received at the public hearing, Mr. Bantle's company has developed and distributes golf equipment and provides golf training on a one-on-one basis. The uses will involve the retail sale of the training equipment; the one-on-one training of clients on how to use the equipment; a storage facility for inventory of the

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equipment; office use in connection with the business; and Mr. Bantle's offices for Smokey Mountain Chew, Inc., and his personal offices. The DB-2 Zone does allow for office use of less than 5,000 square feet as-of-right, and personal service businesses via Special Permit. He said that they are not proposing to change the shape of the building but will re-use portions of the building for various uses.

3. At the October 23, 2012 public hearing, Zoning Enforcement Officer David Keating said that the Planning & Zoning Commission's previous approval for this site was for a business that rented small equipment and party supplies (Darien Rental). Since that approval had been granted in the 1960s or 1970s, a number of additions had been constructed on the building without any permits or approvals. Part of the applicant's current plan appeared to be to re-use some of those additions that were built contrary to the previous approval by the Commission. Also, the large enclosed area on the east side of the building was specifically designated as storage. That would now become the retail sales and training facilities.
4. At the October 23 public hearing, Mr. Conze noted that the application materials submitted as of that date do not include any floor plans of the proposed use or how the existing building will be converted to those uses, nor a landscaping plan, and no location of Dumpsters shown. Commission members agreed that they would continue the Public Hearing on November 13, 2012 in order for the applicant to provide the necessary information and for an opportunity for various Town departments and Commission members to review the information prior to the Public Hearing. A subsequent letter was received from the Jeff McDougal asking that the public hearing be continued to November 27 to allow additional time to address various concerns of the Commission. Therefore, no testimony was taken on November 13, and the matter was immediately continued to November 27, 2012.
5. Further details of this application are set out in the originally submitted application narrative, a November 7, 2012 letter from Jeff McDougal, and a November 26, 2012 three-page letter from Wilder Gleason to the Planning and Zoning Commission. This November 26 letter notes that the property, "... will be brought into compliance with the DB-2 Zone floor area ratio requirements..." The legal non-conforming location of the existing building will not change. The November 7, 2012 McDougal letter reviews the issues of parking, loading, oil tanks, stormwater management, and the driveway entrance, and the rear portion of the building.
6. As noted by Attorney Wilder Gleason representing the applicant on November 27, 2012, the Architectural Review Board (ARB) reviewed this plan at its November 27, 2012 meeting, just prior to the Planning and Zoning Commission meeting. He said that the façade change was reviewed, and approved in concept; however, he will need to return to ARB on December 18, 2012 with further details.

BUILDING USAGE/FLOOR PLANS/COMPLIANCE WITH ZONING REQUIREMENTS

7. The proposed use will be a combination of internet sales of Flexor (a patented golf-training program/specialized golf equipment), a personal service use (golf club fitting and one-on-one golf club instruction), and office use or uses (including Bob Bantle individually and his company and affiliated companies). The Commission specifically finds that the proposed office use of about 2,855 square feet total is a permitted principal use allowed by-right pursuant to

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Section 622b of the Darien Zoning Regulations. The 1,352 square foot of club fitting with associated hitting room and putting green and one-on-one golf instruction are considered a Personal Service Business and is a Special Permit use pursuant to Section 624c. The first floor retail area for sales of Flexor is considered accessory to the personal service use(s).

8. The submitted Zoning Chart on the Proposed Conditions Plan prepared by William Seymour & Associates (and last revised November 26, 2012) shows that the maximum allowable Developed Site Area within the DB-2 Zone is 70%. The developed site area prior to the proposed work is over 89%. The applicant proposes to reduce the developed site area to 81.5% by converting some area behind the building to a pervious putting green/lawn, and converting an area to the east of the building to a "proposed planting area".
9. The maximum floor area allowed within this zone is 5,373 square feet. That is reflected on the Zoning Chart shown on the submitted Proposed Conditions Plan.
10. Mr. Bob Bantle explained that for the office uses, there would be two to three employees plus himself. There would also be occasional board meetings where additional patrons would come to the property. Mr. Gleason noted the applicant would be willing to stipulate that if his use, his office use, or the retail use changes, they would need to come back to Planning & Zoning Commission for specific approval on the new use. Part of the proposed use is one-on-one golf training, which will be held either indoors or outdoors. There would be on-premise club lessons and custom club fittings. They will be including some trap rock or other pervious surface under the proposed putting green to be installed behind the building.
11. The Commission notes that the United Rentals use, which was present on-site for more than seven years, had submitted numerous applications for Site Plan and Special Permit approval. They never received formal approval by the Planning and Zoning Commission. The prior use to that was Darien Rentals.
12. The former oil tanks on the property have been removed. As shown on the submitted Proposed Conditions Plan, the property is now at 89.9+/-% developed site area. They hope to bring natural gas, which is now on the Boston Post Road, in front of the property, into the building and bring the building up to current Building Codes. There is proposed landscaping along the eastern property line between this property and the adjacent Lupinacci property to the east. There is a slight grade change in this location. They will be removing the existing impervious pads in the back of the building to make a putting green with a little bit of regrading (a maximum of one foot is allowed). They will work with Planning & Zoning Commission staff on appropriate underground detention under the putting green.
13. As noted on the submitted floor plans, they are in full compliance with the floor area ratios maximum allowed by the Zoning Regulations in this zone. They are including second floor storage over the retail space, which will have a lower ceiling height of seven feet, nine inches, so it will not be considered habitable space.
14. There will be some retail sales on site and well as some one-on-one instruction in golf. Mr. Darren Anderson explained that he will be giving lessons on site and having custom club fittings. There would also be sales of the Flexor golf equipment on-site.

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TRAFFIC/PARKING/LOADING

15. In his November 26, 2012 letter, Attorney Gleason said that there are two ways for the Commission to review the necessary parking for this project. One method could be under Section 904t and the Commission could state that 14 spots are appropriate for the unique use, or under Section 905, which allows for joint parking for multiple uses on the same property. The Commission finds that a review under Section 905 is more appropriate.
16. The existing parking area between the Boston Post Road and the building will be re-used. The applicant stated at the public hearing that there will be 6 to 8 parked vehicles at most at any given time. This includes both employees and customers. Mr. McDougal said that the exit from the driveway on to the Boston Post Road has a somewhat obstructed sight line of vehicles coming from the east (the Norwalk side). Mr. Bantle said that he will remove the stockade fence along a portion of the east property line, and replace it with landscaping. Mr. Bantle will also keep the existing front landscaping at a low level so that motorists exiting the site will see over the vegetation, and the vegetation will not obscure or impact sight lines.
17. The applicant proposes to utilize a Joint Parking arrangement as expressly permitted by Section 905 of the Darien Zoning Regulations. Section 905 reads as follows:
"905. Joint Parking
Where two or more different uses occur on a single lot, the total amount of parking facilities to be provided shall be the sum of the requirements for each individual use on the lot, except that the Commission may approve the joint use of parking space by two or more establishments on the same or on contiguous lots, the total capacity of which space shall be less than the sum of the spaces required for each, provided:
 - a. The Commission finds that the proposed capacity shall meet the intent of the requirements;*
 - b. Approval of such joint use shall be automatically terminated upon the termination of the operation of any of such establishments;*
 - c. Legal documentation shall be furnished establishing such rights for the duration of such joint use.**Such shared parking arrangements shall be limited to use and shall not include shared parking by time. No parking spaces shall be reserved for any specific building tenant"*

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18. The parking requirements in the Darien Zoning Regulations are as follows (per Sections 904j, 904m, and 904k):

TYPE OF USE	PARKING REQ'T	AMOUNT OF SQUARE FOOTAGE	PARKING SPACES REQUIRED FOR THAT USE
Office	1 space per 250 sf	1,252 1 st fl + 1,603 sf 2 nd fl=2,855 sf	11 spaces needed
Storage	1 space per 500 sf	761 basement+864 1 st fl+563 2 nd fl =2,188 sf	5 spaces needed
Personal Service/ Retail	1 space per 150 sf	1352 sf 1 st fl	10 spaces needed

Thus, the total spaces needed pursuant to the Zoning Regulations, which is the sum of the above, exceeds the fourteen proposed parking spaces shown on the submitted Proposed Conditions Plan.

19. There will be a separate trash bin and recycling bin on site. At the public hearing, Mr. Bantle added that they will screen any Dumpster(s) to be installed.
20. Mr. Gleason added that they are asking for a waiver of the required loading zone pursuant to Section 909 of the Darien Zoning Regulations. The backup for that request is found in the November 7, 2012 McDougal letter.
21. In response to a question at the public hearing, Mr. Bantle explained that he did perform and complete a Phase I and Phase II study of the property. Mr. Conze asked for a copy of those to be submitted for the record in this matter.
22. The proposed club fitting and one-on-one golf instruction use are considered Personal Services uses, which are Special Permit uses, and therefore requires action under Section 1000 of the Darien Zoning Regulations.
23. The location and size of the use, the nature of the proposed operations involved in or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, are such that the application is in harmony with the orderly development of the district in which it is located.
24. The location and nature of the proposed use is such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
25. The location and size of the use and the nature and intensity of the proposed operation conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.
26. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they

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interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.

27. The elements of the Site Plan, submitted as part of the application accomplish the objectives for Site Plan approval as specified in subsections 1024-1025 of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Business Site Plan #86-D/Special Permit is hereby approved subject to the foregoing and following conditions, modifications and understandings:

- A. Subject to findings noted above and the required revisions and stipulations and conditions as noted below, all renovation, construction, and related activity shall be in accordance with the plans submitted to and reviewed by the Commission, as required to be modified and supplemented herein:
- Zoning Location Survey depicting Proposed Conditions 365 Boston Post Road prepared for Robert C. Bantle, by William W. Seymour & Associates, last revised November 26, 2012 (the November 26, 2012 revision notes a proposed awning). The "Proposed Conditions Plan".
 - 365 Boston Post Rd, By Corporate Design, dated 10/12/12 and last revised 11/19/12, and received November 26, 2012, Sheets Existing Floor Plans--E1, Proposed Floor Plans--A1, Proposed Elevations--A2. (4 sheets total).

It is noted that the interior floor plans may also need to be modified to meet any requirements of the Building Official and Fire Marshal, however, a final as-built floor plan and as-built survey will be needed to assure the Commission that the property as modified complies with the maximum Floor Area Ratio allowed in the DB-2 zone, and that the Developed Site Area does not exceed 81.5% (the number noted on the submitted Zoning Chart).

- B. Since there is no new public or private road construction and no extension of public utility facilities, the Commission waives the requirement for submission of a Performance Bond.
- C. The submitted Proposed Conditions Plan shows proposed planted areas in the front of the property, along the eastern property line, and adjacent to the west part of the building. **Prior to the issuance of a Zoning or Building Permit**, a more detailed planting/landscaping plan shall be submitted for review and action by the Planning and Zoning Director. This landscaping shall be designed to avoid impacting the sight lines for the driveway. The submitted plan shows the existing spruce to be removed and the 12" maple tree to remain. If needed, the applicant shall work with the Planning and Zoning Director on the need to trim certain branches of that maple tree to maintain or improve sight lines exiting the driveway. Additional trees and plantings shall be shown on the plans for the Director's review. All plantings/shrubs/bushes/trees, etc. shown on the approved planting plan shall be installed prior to the issuance of a Certificate of Occupancy and/or use of any part of the building. It is the property owner's obligation to maintain these plantings, and to ensure that no plantings in the front of the property near the road obscure sightlines leaving the driveway.
- D. All utilities shall be underground, including, but not limited to the removal of the existing overhead wires running from CL&P pole #13335 to the existing building.

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The "undergrounding" of these electric and communications wires is noted on the submitted Proposed Conditions Plan.

- E. **Prior to the issuance of a Zoning or Building Permit** for the interior renovations/alterations, the property owner shall submit a copy of the Phase I and Phase II studies for the record in this matter to the Planning and Zoning Department.
- F. **Prior to the issuance of a Zoning or Building Permit**, detailed floor plans will be need to be submitted to assure the Commission that the property meets applicable Floor Area Ratio maximums. This shall include details of the building to scale, with dimensions noted, noted in both total size (square footage), and by use type. This shall be calculated and certified by an architect. The total amount of square footage shall not exceed 5,275 square feet, which was put forth by the applicant on the Proposed Conditions Plan prepared by William Seymour & Associates. The applicant will need to modify the building and/or the floor plans to come in under that number.
- G. The Commission takes specific note that this is not a "teardown. If during the renovation process, the property owner finds that compliance with the approved plans (as required to be revised herein) is not possible, he shall return to the Planning and Zoning Commission for further review and action.

BUILDING USAGE/FLOOR PLANS

- H. As noted by the applicant in its letter and as shown on the submitted and approved plans, the basement is to be used for a mechanical room and storage only. Since the DB-2 zone only allows buildings with a maximum of two stories of height, no part of the basement may be finished. No work space, office, rest rooms, or other customer-accessible use is proposed by the applicant for the basement and none is allowed. The second floor of the building shall be office space and storage (called out on the submitted floor plans as warehouse). No second floor space shall be used by customers of the personal service business.
- I. No outdoor storage has been proposed, and none is approved. The only outdoor activity allowed is on the putting green in the rear of the building. Part of the subject application involves eliminating the various outside storage and display that had been previously located on the subject site when it was occupied by United Rentals.
- J. In the submitted application narrative, the office hours proposed was noted as 9-4:30 p.m. Monday through Friday. The golf instruction/personal service hours are described as 9 a.m. to 6 p.m. Monday through Saturday. Any expansion beyond those hours requires review and action by the Planning and Zoning Commission. The specific hours of operation of any present or future tenant and its potential impacts on the adjacent residential property will be a consideration by the Commission in its review of said tenant.

TRAFFIC/PARKING/DELIVERIES/LOADING

- K. Because the applicant is applying for, and the Commission is approving the project as, Joint Parking under Section 905 of the Zoning Regulations, the applicant shall re-apply to the Planning and Zoning Commission for any change of tenants within the building, whether office,

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storage, or personal service. This will allow the Commission to determine and address potential parking and other issues related to those tenants, and ensure that adequate parking is still being provided for the various uses within the 365 Boston Post Road building.

- L. Because the Commission is approving this project under Section 905, shared parking arrangements shall be limited to use and does not include shared parking by time. No parking spaces shall be reserved for any specific building tenant. Thus, there shall be no on-site parking reserved for any tenant (excluding any handicap-accessible parking spaces required by the Building Code).
- M. No delivery vehicles shall park on the Boston Post Road for loading or unloading, nor to make deliveries to the site. As noted in the November 7, 2012 letter from Jeff McDougal, there will be minimal deliveries to the site. Most will be made with UPS or Fedex-type trucks. It is the responsibility of the property owner and each of the tenants to inform delivery personnel that adequate delivery areas are provided on the subject property, and that trucks should not stop or park on Boston Post Road to deliver goods.
- N. Because of the nature of the existing and proposed site conditions of this previously developed property, the Commission hereby waives the requirement for a loading zone as authorized by Section 909 of the Darien Zoning Regulations.
- O. As proposed by the applicant and approved herein, there will be one proposed dumpster enclosure area, which shall be screened with a six foot high stockade fence. The Dumpster area shall be maintained in a neat and orderly fashion by this property owner. In addition, the property owners will be connecting to the natural gas line in the Boston Post Road, so no propane tanks will be used on the property. The Dumpster enclosure area shall be neatly maintained, and the doors shall remain shut at all times that someone is not loading or unloading garbage. The property owner is responsible for maintaining this shared trash area, including ensuring that it is emptied frequently enough to minimize odors.
- P. To avoid early morning or late night trash pick up that could unreasonably disturb the residential property owner to the rear, garbage pickup shall be done on an "as-needed" basis, and shall occur **only** between the hours of 7:00 a.m. and 7:00 p.m.

STORMWATER MANAGEMENT/DRAINAGE

- Q. The submitted Proposed Conditions Plan last revised November 26, 2012, and the November 7, 2012 letter from Jeff McDougal note a reduction in impervious area as part of this application (the reduction is in the range of 1,400+/- square feet). Thus, the Commission is waiving the requirement for Stormwater Management required under Section 880 of the Darien Zoning Regulations. That provision allows the Commission to waive the requirement due to: "...the scope, nature, and/or amount of work proposed in the application..." In this specific case, the applicant is reducing the amount of impervious surface. The only stormwater management/drainage required will be for the area underneath the proposed lawn/putting green in the rear of the property. This could be the removal of the asphalt/concrete, and the installation of trap rock, or some other similar pervious layer.

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- R. The property owner shall have the continuing obligation to make sure that storm water runoff and drainage from the site will not have any negative impacts upon the adjacent property(ies) or the adjacent streets. If such problems do become evident in the future, the owner(s) of the property shall be responsible of remedying the situation at their expense and as quickly as possible.
- S. The applicant shall continue to work with the Architectural Review Board (ARB) regarding the exterior changes to the building and the proposed sign(s). Any new signage requires a Zoning and Building Permit.

LIGHTING/SIGNS

- T. The only change to exterior lighting is shown on the Proposed Conditions Plan which shows a Proposed Downlight to be installed by the Dumpster enclosure. No other existing or proposed lighting is described in the submitted application materials. **Prior to the issuance of a Zoning or Building Permit**, further details regarding the “Proposed Downlight” shall be submitted to the Planning and Zoning Director for his review and action to assure compliance with Section 1024.2e(2) of the Darien Zoning Regulations. It is recommended that this downlight be on a motion sensor, so as to minimize impacts to the residential property owner to the rear of this property. Any other change in exterior lighting, other than the emergency lighting required for the Fire Marshal, requires review and action by the Planning and Zoning Commission.

ADDITIONAL CONDITIONS AND STIPULATIONS

- U. All site work, including but not limited to site improvements as shown on the approved plans and as noted herein shall be properly installed and completed prior to the use of any space within the building and/or the issuance of a Certificate of Occupancy.
- V. The submitted Proposed Conditions Plan shows the conversion of an area behind the building to lawn/putting green. The applicant shall remove the concrete/asphalt in this area, and replace it with a pervious surface and drainage underneath. Details and photographs of the trap rock or other pervious layer shall be submitted to the Planning and Zoning Director prior to the issuance of a Certificate of Occupancy.
- W. A final as-built drawing and certification shall be submitted by a professional architect or licensed land surveyor confirming that the entire project, including the required lawn/putting green installation, lighting, parking, landscaping, and other site development features have been properly completed per the approved plans, as noted in Condition A, above. The information shall comply with floor area ratio as defined in the Darien Zoning Regulations, and not exceed 81.5% developed site area. This certification shall be submitted prior to the issuance of a Certificate of Occupancy for the project, and/or use of the building.
- X. “As-built” floor plans will be needed to assure the Commission that the property meets Floor Area Ratio maximums. This shall include details of the building to scale, with dimensions noted, noted in both size (square footage), and by use type. This shall be calculated and certified by an architect. The total amount of square footage shall not exceed 5,275 square feet, which was put forth by the applicant on the Proposed Conditions Plan prepared by William

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Seymour & Associates. The applicant may need to modify the building footprint to come in under that number.

- Y. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- Z. The granting of this Special Permit does not relieve the applicant of responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. This includes, but is not limited to, final approval from the Darien Fire Marshal for emergency lighting.
- AA. This permit shall be subject to the provisions of Sections 1009 and 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (December 11, 2013). This may be extended as per Sections 1009 and 1028.

All provisions and details of the Proposed Conditions Plan and the submitted floor plans, as required to be revised and supplemented herein, shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. All completed requirements and materials, including, but not limited to: the submittal of the Phase I and Phase II studies; a modified landscaping plan; lighting detail; and modified floor plans shall be submitted to the Planning and Zoning Department within 60 days of this action or this approval shall become null and void. A Special Permit form shall be filed in the Darien Land Records within sixty days of this approval AND prior to the issuance of the Zoning and Building Permits for the interior tenant fit-up work, or this permit shall become null and void.

Chairman Conze then read the next agenda item:

Business Site Plan #24-T/Special Permit, JoyRide Darien, LLC, 25 Old King's Highway North. Proposing to establish an indoor recreational use/exercise facility in a portion of the space formerly occupied by Darien YMCA gymnastics program within the Goodwives Shopping Center, and to add a fence and perimeter landscaping.

Commission members discussed the draft resolution to approve the project. It was noted that the applicant will make sure that there-striping of parking spaces around the back of the building, needs to be very carefully done to make sure the truck access is not impeded in any way. The following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the application in accordance with the conditions and stipulations as noted. The motion was made by Mr. Voigt and seconded by Mr. Spain. All voted in favor, except Mr. DiDonna who abstained because he had not been present for the Public Hearing on this matter.

The adopted resolution reads as follows:

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**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
December 11, 2012**

Application Number: Business Site Plan Application #24-T/Special Permit
JoyRide Darien, LLC

Street Address: 25 Old King's Highway North
Assessor's Map #71 Lot #19

Name and Address of
Applicant's Representative: Robert F. Maslan, Jr., Esq.
Maslan Associates, PC
30 Old King's Highway South
Darien, CT 06820

Name & Address of:
Applicant & Proposed Tenant: JoyRide Darien, LLC
1200 Post Road East
Westport, CT 06880

Name and Address of:
Property Owner: UB Darien Inc.
Urstadt-Biddle Properties, Inc.
321 Railroad Ave.
Greenwich, CT 06830

Activity Being Applied For: Proposing to establish an indoor recreational use/exercise facility in a portion of the space formerly occupied by Darien YMCA gymnastics program within the Goodwives Shopping Center, and to add a fence and perimeter landscaping.

Property Location: The subject site is located within Goodwives Shopping Center, which is located on the south side of Old King's Highway North, approximately 150 feet southwest of its intersection with Brookside Road.

Zone: DC

Date of Public Hearing: November 20, 2012

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices
Dates: November 9 & 16, 2012

Newspaper: Darien News

Date of Action: December 11, 2012

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
December 21, 2012

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

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- the proposed use and activities must comply with all provisions of Sections 630, 904, 1000 and 1020 of the Darien Zoning Regulations for the Commission to approve this project.

- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted conceptual site plan, first floor plan, and exterior elevations, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.

- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The proposal as originally submitted is to establish an indoor recreational use/exercise facility in a portion of the space (about 4,200+/- square feet) formerly occupied by Darien YMCA gymnastics program within the Goodwives Shopping Center, and to add a fence and perimeter landscaping. No change in the building footprint is proposed. At the public hearing, the applicant's representative noted that additional parking may be created in the rear of the building by the landlord. The request for a fence near the east property line was withdrawn at the public hearing by the applicant's representative.
2. JoyRide is considered a Special Permit use under Section 634f of the Darien Zoning Regulations, which allows Indoor Recreation Facilities via Special Permit in the DC Zone. The proposed use is for indoor stationary cycling, personal training services, pilates, yoga and ballet barre. While incidental snacks will be sold on the property, no food preparation will be done on-site.
3. As put forth by the applicant, JoyRide will have about 56 classes per week/7-10 classes per day. It was noted that the facility may open as early as 6 a.m. The busiest times of day will be prior to 11:30 a.m. The applicant said that classes would be staggered by at least 15 minutes, in order to minimize parking and traffic impacts.
4. According to the Darien Zoning Regulations, the shopping center would require a total of approximately 1000 on site parking spaces, but there are approximately 465-486 parking spaces for the 96,000+/- square foot building on the subject property. As part of previous applications for the Goodwives Shopping Center, the Planning and Zoning Commission made a finding under Section 904 of the Darien Zoning Regulations that due to the unique nature of the Goodwives Shopping Center, the parking is adequate. The proposed use is more parking intense than typical retail stores, but because they are only leasing a small portion of the Shopping Center (about 4,000 square feet), the Commission finds that no increase in parking spaces would be necessary. The Commission also finds that the proposed capacity of the on-site parking will meet the intent of the regulations.
5. The location and size of the use, the nature of the proposed operations involved in or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, are such that the application is in harmony with the orderly development of the district in which it is located.
6. The location and nature of the proposed use, is such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
7. The location and size of the use and the nature and intensity of the proposed operation conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.

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8. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.

NOW THEREFORE BE IT RESOLVED that Business Site Plan #24-T/Special Permit is hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. The Commission hereby approves the proposed indoor recreational facility use as described in the application materials and at the Public Hearing, and approves the first floor plan entitled, "First Floor Plan JoyRide Darien" by Frederick William Hoag Architect, dated 11/20/2012, Sheet DC-02 . Final details of the floor plan may be modified subject to final approval by the Fire Marshal, Health Director, Planning & Zoning Director, and Building Official. Any final floor plans and use of the space must be consistent with representations made at the public hearing by the applicant, and this resolution.
- B. The Commission approves the modified parking in the rear of the building. Prior to striping, the applicant or property owner shall notify the Darien Planning and Zoning Director in writing with a specific dimensioned plan on what additional parking spaces will be created, if any. Sufficient turning radius for tractor-trailers shall be provided when adding any parking spaces behind the building.
- C. As proposed by the applicant at the public hearing and as outlined within the written submitted application materials, the Commission hereby requires the staggering of classes by at least 15 minutes as well as a limit on the number of clients per studio at any one time (50 maximum). As proposed by the applicant, a 20 student limit shall apply from 12 noon to 5:00 p.m. every day. These limits are imperative and hereby required by the Commission so as to minimize potential parking and traffic impacts on other businesses within Goodwives Shopping Center.
- D. Because of the nature of the business which is entirely indoors, and the unique location of Goodwives Shopping Center within a commercial zone, and the location of this space within the shopping center, the Commission places no limits on the maximum hours of operation, other than any restrictions noted in Condition C, above.
- E. There is no new impervious surface created as part of this application, and thus, the Commission waives the requirement for stormwater management under Section 880 of the Zoning Regulations.
- F. If needed, the applicant shall use the trash area and dumpsters located behind the building. If used by this tenant, the tenant shall work with others to keep it neat and orderly.
- G. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- H. The granting of this Special Permit does not relieve the applicant of responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. Any desired signage requires review and action by the Architectural Review Board (ARB), and possibly the Zoning Board of Appeals (ZBA).
- I. This permit shall be subject to the provisions of Sections 1009 and 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (December 11, 2013). This may be extended as per Sections 1009 and 1028.

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All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations, the signing of the final approved plans by the Chairman, and filing of the Special Permit form in the Darien Land Records within 60 days of this action and prior to the issuance of a Zoning or Building Permit, or this approval shall become null and void.

Chairman Conze then read the next agenda item:

Amendment of Coastal Site Plan Review #273, Land Filling & Regrading Application #274, Jerrod & Sally Fine, 172 Long Neck Point Road.

Requested amendments to previously approved plans.

Mr. Ginsberg explained that the applicant's representatives have laid out numerous changes and modifications, each of which is relatively minor but as a whole, it constitutes a lot of modifications. Staff did not feel comfortable approving this many modifications without the Commission having an opportunity to review the request. Commission members said the proposed changes seem okay. The following motion was made: That the Planning & Zoning Commission approve the requested modifications, and note that it will be necessary that the applicant submit numerous as-built survey maps to verify that each of these improvements has been completed in accordance with the revised plans. The motion was made by Mr. Voigt and seconded by Mr. Spain and unanimously approved.

Chairman Conze then read the next agenda item:

Amendment of Coastal Site Plan Review #233-A/Flood Damage Prevention Application #261-A, Ross, 10 Nickerson Lane.

Request to amend plans to include a retaining wall.

Mr. Ginsberg said that the proposed modifications in the pool area are explained in the letter and maps submitted by the applicant. One aspect of the letter indicates that the revised plans should reduce flooding to the basement. He said that the proposed regrading would not have any impact on the flooding that occurs because the side and front of the garage area will still be accessible to water from Holly Pond when the entire area floods. He also noted that the 30 inch diameter tree that was marked in the original plans to be preserved was destroyed in the recent storm. It is no longer there. He said that there are many other trees between the pool / proposed grading area and waters of Holly Pond.

Mrs. Cameron said one of the issues is whether or not the Planning & Zoning Commission should hold a Public Hearing regarding this requested modification. Chris Olsen of E.L. Wagner Pools Inc. said that the regrading is proposed behind the house and adjacent to the swimming pool that is being constructed. That area is not within sight of the neighbor's houses. He said that the plans already include glass safety railings at the top of the four foot high, non-climbable wall. The proposed regrading will allow them to continue the four foot high, non-climbable wall and safety railing that serves as a fence required by the Building Code. It would also make for a slightly larger usable patio area adjacent to the back of the house. Commission members expressed concerns about the view of this four foot wall from the coastal waters. Mr. Olsen said that shrubs can be planted at the base of the wall so that the amount of wall seen from the water is minimal. Mr. Ross concurred that he will do lots of landscaping at the base of the wall using whatever variety of plants that the Commission wants. If

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requested, he will submit a more detailed plan of the landscaping for the Commission to review before it is implemented. Mr. Spain said that it is not necessary to obliterate the view of the wall, just to break it up and soften the view.

The follow motion was made: That the Planning & Zoning Commission approve the requested modifications to the filling and regrading in the area adjacent to the swimming pool and the back of the house in accordance with the submitted plans and letter. The motion was made by Mr. Spain, seconded by Mr. DiDonna and unanimously approved.

Chairman Conze then read the next agenda item:

Approval of Minutes

November 20, 2012 General Meeting/Public Hearing.

Several minor clarifications were discussed and agreed upon. The following motion was made: That the Planning & Zoning Commission adopt the corrected minutes. The motion was made by Mrs. Cameron and seconded by Mr. Voigt. All voted in favor except Mr. DiDonna and Mr. Spain, who had not attended the November 20, 2012 meeting.

Chairman Conze then read the next agenda item:

November 27, 2012 General Meeting/Public Hearing.

Several corrections and clarifications were discussed and agreed upon. The following motion was made: That the Planning & Zoning Commission adopt the minutes as revised. The motion was made by Mr. Voigt and seconded by Mr. Spain. All voted in favor except Mr. DiDonna, who had not attended the November 27, 2012 meeting.

At about 8:20 p.m., Chairman Conze then opened the Public Hearing and read the next agenda item:

PUBLIC HEARING

Amendment of Protected Town Landmark #6, JHL Properties, LLC, 70 Old King's Highway North. Proposing to construct additions and alterations to the existing office building (the Joshua Morehouse Homestead), which was designated as a Protected Town Landmark in 1990. The subject property is located on the north side of Old King's Highway North, approximately 250 feet east of its intersection with Brookside Road, and is shown on Assessor's Map #35 as Lot #14, in the DB-2 Zone.
PUBLIC HEARING OPENED 11/27/2012.

Architect Neil Hauck explained that the requested changes and modifications were amendments to the previously approved Protected Town Landmark status that had been originally granted in 1990. At that time, the building on the front of the property was converted from a residence into a business and professional office. The building was originally constructed in approximately 1731, and the Protected Town Landmark status allowed the property to be re-developed for commercial use in accordance with the use allowed by Zoning Regulations and while waiving or modifying the setback requirements for the building and parking in order to preserve the building and the site. He said that the new owner of

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the property wishes to make further revisions to the building to establish his office use, which involves accounting and management services for his own firm. There are very few visitors that would come to the site because the company does not offer services to the general public. There is a second building on the right rear portion of the property. It was originally a carriage house and has, for many years, been used as a separate residence. It will remain as a residence.

Changes to the front portion of the building include removal of several of the appendages on the north and east sides of the building. These portions of the building will be replaced with new two-story additions. Mr. Hauck noted that one small section on the westerly portion of the building and one small section on the front (east part of the building) are too close to comply with the normal setback requirements for the zone. The Protected Town Landmark allows the Planning & Zoning Commission to approve these modifications in order to protect the existing character of the building and property. Mr. Hauck explained that they have reviewed the plans with the Architectural Review Board (ARB), who have supported the proposed modifications. The ARB suggested several modifications with respect to the windows and fenestration and owner, Mr. Lewis, is fine with those modifications. Mr. Hauck said that they will return to the ARB with final construction details once the Planning & Zoning Commission has acted on the concept of the application.

Mr. Hauck said that there are ten on-site parking spaces including two within the garage attached to the old carriage house. In accordance with the Regulations, 14 on-site parking space plus 2 for the residence would be required by the strict application of the Regulations. Again, this is something that the Commission can modify as part of the Protected Town Landmark approval. Mr. Hauck said that the proposed office use will involve six employees at the site on a routine basis and on very rare occasions they will have a visitor or two. Mr. Hauck said that the prior tenant had a specialized office use and had no parking problem for the many years that the property was used as an office. He said that the total amount of office space in the finished building will be 3,476 square feet.

Mr. Ginsberg confirmed that Section 1051 of the Darien Zoning Regulations allows the Commission to approve the Protected Town Landmark use and tenant and to grant waivers of typical dimensional requirements. All of this is predicated on the findings by the Commission that the site is worthy of the Protected Town Landmark status. In this case, the Commission made such a finding in 1990 and now the Commission is being asked to make a similar finding with respect to the proposed modifications.

Town Historian Marian Castell said that the owner and architect have done a great job in their design for the additions and alterations that are in keeping with the historic character of the building and property. She said that some of her old records indicate that the house might date back to 1725. She said that during the Depression of the 1930s, this property was apparently the residence of an artist by the name of Palentine, who was an artist employed by the Works Progress Administration (WPA) and painted the murals within what was the Darien High School, which is now the Darien Town Hall. She said that there is one large mural within the existing building on the property at 70 Old Kings Highway North. Mr. Lewis said that he believes that old mural is actually painted on canvas, that it is then adhered to the wall. He will attempt to remove that canvas intact and intends to donate the mural to the Town so they reuse it at any location they feel is appropriate.

There were no further comments from the public regarding the application. The following motion was made: That the Planning & Zoning Commission close the public hearing regarding the application and

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will render a decision at a future meeting. That motion was made by Mr. Cunningham, seconded by Ms. Cameron and unanimously approved.

At about 8:40 p.m., Chairman Conze then read the next agenda item:

Land Filling & Regrading Application #286, Bonnet Hill Farm, LLC, 68 Stephen Mather Road.

Proposing to construct additions and alterations to the existing residence; modify the driveway; modify the pool and pool terrace; and associated landscaping and grading alterations and drainage improvements; and perform related site development activities. The subject property is located on the southeast corner formed by the intersection of Stephen Mather Road and Pilgrim Road, and is shown on Assessor's Map #1 as Lot #18, in the R-2 Zone. *PUBLIC HEARING OPENED 11/27/2012.*

Matthew Moger explained that the proposed cupola structure on top of the building does not comply with the four foot high and four foot wide limitations that allow the staff to approve the cupola administratively. He said that this design is for a cupola that is approximately nine feet, three inches wide times seven feet, nine inches times three feet, five inches tall. He said the purpose of this cupola is to allow for energy efficient ventilation of the proposed building. The first and second floor designs have been specifically crafted to incorporate this natural and mechanically assisted ventilation. He asked that the Commission approve the cupola as being appropriate and not counted toward building height calculation.

Mr. Moger said that the other request is for modifications of the grading, moving 25 feet away from the house. Specifically, they will need to remove approximately a 30 inch high knoll on the far end of the courtyard of the front of the house. They will then construct a 30 inch tall retaining wall in that vicinity. This regrading will facilitate the safe establishment of the driveway court yard and the proper drainage of the area so that it does not impact any neighbors or the street.

Mr. Spain said that the design of the cupola is not just for aesthetic purposes, but it also is functional. He asked if it was possible for the designer to certify how much energy will be saved using this type of cupola design. Mr. Ginsberg said that Section 371 of the Zoning Regulations allow cupolas not to be counted as part of the building height if they do not exceed 15 percent of the roof area and they are only as high as necessary to accomplish the purpose. The staff has consistently indicated that they will not approve cupolas that are more than four feet high and/or more than four feet wide unless the Planning & Zoning Commission and/or Zoning Board of Appeals has approved those cupolas as being necessary to accomplish the desired purposes. Mr. Conze said that numerous previous discussions had been held regarding cupolas that were designed specifically for appearance or aesthetic purposes. In this case, the design is a functional one and the existing house and proposed cupola are so far from any property lines it would not appear to have any adverse impact on any neighbors. Mr. Ginsberg said that the house is in approximately the center of a 4 +/- acre site. Mr. Ginsberg also noted that the Environmental Protection Commission had approved the project with respect to the proposed work within the regulated area around the wetlands.

There were no comments from the public regarding the application. The following motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter and will render a decision at a future meeting. That motion was made by Mr. Cunningham, seconded by Ms. Cameron and unanimously approved.

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Chairman Conze then read the next agenda item:

Special Permit Application #191-A, CST50, LLC, 9 Old King's Highway North. Proposing to establish an indoor recreation facility use in a portion of the space now occupied by Butler's Laundromat and Cleaners. The subject property is located on the southeast side of Old King's Highway North, approximately 250 feet southwest of its intersection with Sedgwick Avenue, and is shown on Assessor's Map #71 as Lot #18, DC Zone.

Attorney Amy Zabetakis explained that the existing Butler's Laundromat located on the left hand side of the building occupies approximately one-half of the existing building. There are approximately 33 on-site parking spaces that service the entire building. The proposed indoor recreation facility will occupy approximately one-half of the Butler's Laundromat space and approximately one-quarter of the total building. The proposed recreation use will involve the installation of 10 MegaFormer machines on which one person will have a complete work out for approximately 45 minutes. This limits the total participants at the site at any given time to ten people plus two instructors. The proposed recreation use is most intensely used in the early morning hours when the Laundromat and fish market are not very busy.

Mr. Ginsberg said that a previous discussion by the Commission about a different recreation use that wanted to occupy part of this building and would have had classes of 30 or 40 people at any given time. This is a substantially different type of recreation use. Attorney Zabetakis said that Butler's Laundromat will be consolidating, and will only be occupying about one-quarter of the existing building.

Attorney Zabetakis said the workouts last 45 or 50 minutes, and there are no showers or changing stalls provided for clients. Most clients come to the site, workout and then leave immediately thereafter. The operators deliberately avoid starting a new class until at least 10 minutes has passed since the conclusion of the previous class. She said that the proposed recreation use will occupy the middle slot, between Fisherman's Net and the reduced Laundromat.

Mr. Spain said that it is critical that they avoid the overlap of new arrivals and clients leaving the site. Attorney Zabetakis confirmed that there will be at least a 10 minute break between the end of one class and the beginning of a new class. This will avoid causing any parking problems on the lot.

Filices Marks explained that the business will operate from 6:30 A.M. until 6:30 P.M., but the busiest time will be from 6:30 A.M. until 9:30 A.M. When asked about noise and sound, Attorney Zabetakis said that unlike a high activity aerobic type recreation facility that has blasting music, this use will involve some music but it will be a much more relaxed atmosphere and noise and loud volume will not be a problem.

There were no comments from the public regarding the application. The following motion was made: That the Planning & Zoning Commission close the public hearing regarding this application and render a decision at a future meeting. The motion was made by Mr. Voigt, seconded by Mr. Spain and unanimously approved.

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At about 9:00 p.m., Chairman Conze then read the next agenda item:

Protected Town Landmark #8, Coastal Site Plan Review #279, Flood Damage Prevention Application #311, Land Filling & Regrading Application #285, Jim & Susan Ozanne, 94 Ring's End Road. Proposing to declare the proposed building to be a Protected Town Landmark, elevate the structure, rebuild the piers, retain the first floor deck, raze substantial portions of the residence and restore the building, and perform related site development activities within regulated areas. The subject property is located on the southwest side of Ring's End Road, approximately 550 feet south of its southern intersection with Harbor Road, and is shown on Assessor's Map #51 as Lot #3, in the R-1 Zone. *PUBLIC HEARING OPENED 11/27/2012.*

Attorney Wilder Gleason explained that the subject property is currently owned by Jim and Susan Ozanne but had previously been owned by members of the Webb family since 1849. The old building was constructed in the 1700s, and was part of a wharf and shipping and commercial operation at the water's edge on Ring's End Road. The property is very small, having only 57 feet of frontage on Ring's End Road. The Ozannes' plan is to substantially renovate and restore the character of the old building but the property is located within the Flood Hazard Zone and is located very close to all of the property lines. Attorney Gleason said that parts of the structure were built in the 1700s and it was used for a store until the 1920's or so. At that point it was converted to a residence. There are approximately 2,050 square feet of existing floor space. The existing first floor is at elevation 8.9. Because the house is in the Flood Hazard Zone, the plan was to pick up the building and raise it so the first floor would be at elevation 11. Due to recent storm activity and possible amendments to Flood Insurance Rate Maps, the current proposal is to raise up the floor to elevation 12 and to reduce the ceiling height on the second floor by 1 foot. This will mean that the new height of the ridge line of the roof will be no higher than what was originally proposed. Attorney Gleason said that in Storm Sandy, there were approximately 14 inches of water covering the first floor.

It was explained that three of the existing piers underneath the building are no longer adequate to support the structure. Each of these piers is approximately 24 inches in diameter. Jim Ozanne, of 114 Goodwives River Road, explained that the plan is to literally lift up the building and then create a new crawl space under the building using a four inch layer of gravel and then a cement cap on top of that. Within the new foundation walls, flood vents will allow flood waters to flow into the crawl space and equalize pressure and then flood waters can flow out once the flood has receded. Architect Chris Pagliaro said that support for the revised structure will be around the perimeter foundation and new center of piers. He said all of the work will comply with the Flood Damage Prevention Regulations and the FEMA requirements.

Mr. Ozanne reviewed photos of the building as it existed in the 1800s when it was used as a store. He said that when he started the project, he contacted Town Historian Marian Castell and she recommended that he use a historic preservation specialist. He then hired Sarah Neilsen of Neilsen Edwards Architects to work on the historic restoration. He submitted a brochure from Neilsen Edwards Architects. Mr. Ozanne also asked Commission members to review highlighted and clipped pages within his book of Darien, Connecticut. He said that this property is very important to the history of Darien and the Ring's End Landing Area is featured on the Town Seal. He said that the Ring's End Landing area was very active during the Revolutionary War.

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Town Historian Marian Castell said that the Webb family was very prominent in the history of Darien. At one point they owned 14 slips that operated out of Darien and Stamford. She reiterated that the Ring's End Landing area was very active during the Revolutionary War. Mrs. Castell reviewed the previously submitted letter of October 17, 2012. She said that in making a Protected Town Landmark of this building, the Commission needs to recognize that not much of the original building will be left. She said that only the porch will be original material and many other parts of the structure are or will be replications. She said that in the 1970s, the Town tried to create a historic district around the Ring's End Landing area, but that effort was unsuccessful. Many of the buildings and properties in the Ring's End Landing area are now on the State Registrar of Historic Places.

Attorney Gleason said that the plan does involve raising up the existing building and constructing a new foundation under it to provide proper support. The revised building will be up above the expected flood level and the new foundation will allow flood waters to pass through without damaging the structure. He said that the existing building coverage is being reduced to 47.4% of the land area and small portions of the property need to be raised in order to accommodate the transition from existing ground level into the new house. One of the important historical aspects of the restoration is to maintain the whole width steps across the front of the building. The original design proposed three or four steps to go from ground level to the first floor but since they are raising the floor to elevation to 12 they will need two more steps. Attorney Gleason said that their project engineer has reviewed the details of the plan and concluded that there will be no impacts to grading or drainage on adjacent properties. Attorney Gleason said that the applicant has submitted a list of suggested stipulations and conditions that could accompany the approval of the property as a Protected Town Landmark.

Sylvia Crimmins said that she was a neighboring property owner and spoke in support of the application to renovate and restore the building.

There were no other comments from the public on this application. The following motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter and will render a decision at a future meeting. The motion was made by Ms. Cameron, seconded by Mr. Spain and unanimously approved.

Because this is a Special Meeting, the Commission cannot consider "Other Business".

There being no other business, the meeting was then adjourned at 9:37 p.m.

Respectfully submitted,

David J. Keating
Assistant Planning & Zoning Director